

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

June 14, 2004

C042639 THE PEOPLE v. ALDRIDGE (Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Sims, Acting P.J.

Davis, J.

C044683 THE PEOPLE v. THOMAS (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We concur: Blease, Acting P.J.

Morrison, J.

C045262 THE PEOPLE v. OTERO (Not for Publication)

The order is affirmed.

BUTZ, J.

We concur: Blease, Acting P.J.

Davis, J.

C040840 BANNING v. NEWDOW (Certified for Publication)
C042384

The attorney's fees awards reflected in orders of February 6, 2002, March 13, 2002, August 21, 2002, August 22, 2002, and September 17, 2002, are affirmed. The appeal from the September 25, 2002, minute order (which directed preparation of a formal order) is dismissed because the minute order was not appealable. The interim custody orders reflected in orders of February 6, 2002, and August 22, 2002, are not appealable, and the purported appeals from those orders are all dismissed. Mother's request for sanctions as reflected in the order to show cause is denied. Mother shall recover her costs on appeal. (Cal. Rules of Court, rule 27(a).)

SIMS, Acting P.J.

We concur: Morrison, J.

Butz, J.

2

June 14, 2004, continued

We concur: HULL, J.
Blease, Acting P.J.
Raye, J.

We concur: BUTZ, J.
Scotland, P.J.
Robie, J.

We concur: Davis, Acting P.J.
 Butz, J.

June 15, 2004

We concur: BLEASE, J.
Scotland P.J.
Butz. J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

The Minutes

June 15, 2004, continued

C044820 KILLINGSWORTH v. NOR-CAL PRODUCTS, INC.

(Not for Publication)

The judgment is reversed. The superior court shall enter a new order denying the motion for summary judgment. The plaintiff shall recover costs of appeal.

DAVIS, Acting P.J.

We concur: Hull, J.
Robie, J.

**C045879 In re ASHLIE J.; YUBA COUNTY HEALTH AND HUMAN SERVICES
DEPARTMENT v. TAMMY J.**

**C045881 In re JAMES S.; YUBA COUNTY HEALTH AND HUMAN SERVICES
DEPARTMENT v. TAMMY J. (Not for Publication)**

The orders terminating appellant's parental rights and selecting adoption as the permanent plan for the minors are reversed, and the matter is remanded to the limited purpose of providing notice to the Blackfeet and the two Cherokee tribes -- the Eastern Band of Cherokee Indians and the United Keetoowah Band of Cherokee Indians -- in compliance with ICWA requirements as explained in the Guidelines.

If, after proper notice, the Blackfeet and the two Cherokee tribes either do not respond or determine that the minors are not Indian children with respect to the Blackfeet and the Cherokee tribes, the juvenile court shall reinstate the orders.

If any of the tribes determine that the minors are Indian children with respect to the Blackfeet or the two Cherokee tribes, the juvenile court shall hold a new section 366.26 hearing in conformance with all provisions of ICWA.

SCOTLAND, P.J.

We concur: Davis, J.
Morrison, J.

C043040 BARDIS et al. v. OATES et al.

BY THE COURT:

Respondents' petition for rehearing is denied.

SCOTLAND, P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

The Minutes

June 15, 2004, continued

**C045756 TRAVEL CONSUMER RESTITUTION CORPORATION v. THE SUPERIOR
COURT OF NEVADA COUNTY and McDOUGALL et al.**

(Not for Publication)

The petition for writ of review, which we have treated as a petition for writ of mandate, is granted. We direct the respondent court to vacate its November 19, 2003, judgment. The alternative writ is discharged and the stay of the judgment is dissolved. TCRC is awarded its costs on appeal.

DAVIS, J.

We concur: Scotland, P.J.

Blease, J.

June 16, 2004

C044778 THE PEOPLE v. FLICKINGER (Not for Publication)

The judgment (August 15, 2003 order) is modified... The trial court is directed to prepare an amended order that reflects the dismissal of counts II, III and IV.

BUTZ, J.

We concur: Scotland, P.J.

Hull, J.

June 17, 2004

C042165 THE PEOPLE v. TAYLOR (Certified for Partial Publication)

The judgment is affirmed. Defendant is awarded 390 days of presentence custody credit (Pen. Code, § 2900.5). The trial court is directed to prepare a corrected abstract of judgment showing the award of custody credit and to forward a certified copy to the Department of Corrections.

SIMS, Acting P.J.

We concur: Raye, J.

Hull, J.

C043557 THE PEOPLE v. NYHUIS (Not for Publication)

The judgment is affirmed. The trial court shall prepare a corrected abstract of judgment to reflect the two concurrent one-year terms for disobeying court orders (§ 273.6, subd. (a)) and forward a certified copy of the corrected abstract to the Department of Corrections.

HULL, J.

We concur: Davis, Acting P.J.

Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

The Minutes

June 17, 2004, continued

- C044107 THE PEOPLE v. CATHCART (Not for Publication)**
The convictions for count 1, 2, and 3 are affirmed. The prior prison term enhancement findings (Pen. Code, § 667.5, subd. (b)) are reversed. The sentence imposed upon defendant is vacated. The matter is remanded to the trial court for retrial of the prior prison term enhancement allegation and for resentencing.
RAYE, J.
We concur: Scotland, P.J.
Robie, J.
- C044550 THE PEOPLE v. SEXTON III (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We concur: Raye, J.
Robie, J.
- C045997 THE PEOPLE v. JENNINGS JR. (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Scotland, P.J.
Raye, J.
- C044596 In re MATTHEW D.; THE PEOPLE v. MATTHEW D. (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed. The juvenile court is directed to prepare an amended order of commitment reflecting this modification and to forward a certified copy thereof to the Director of the CYA.
RAYE, J.
We concur: Scotland, P.J.
Robie, J.

June 18, 2004

- C041700 THE PEOPLE v. WILLIAMS, JR. (Not for Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We concur: Raye, J.
Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

The Minutes

June 18, 2004, continued

**C043006 KELLY v. ADVANTAGE CORP. et al. and SHEPHERD et al.
(Not for Publication)**

The judgment is reversed. Each party shall bear its own costs on appeal.

RAYE, J.

I concur: Nicholson, Acting P.J.

I concur in the result:

Robie, J.

**C044046 SINATRA v. CHICO UNIFIED SCHOOL DISTRICT et al.
(Certified for Partial Publication)**

The judgment is affirmed. **(Certified for Partial Publication)**

RAYE, J.

We concur: Blease, Acting P.J.

Sims, J.

**C045741 In re N.E. et al.; SUTTER COUNTY HUMAN SERVICES AGENCY
v. BRANTI T. (Not for Publication)**

The orders terminating parental rights are reversed. The case is remanded to the juvenile court for further hearing on compliance with the ICWA. If the court determines that the SOC 318 or equivalent form was sent to the tribes and contained all known information, the termination orders shall be reinstated. If the court determines that the notice to the tribes did not contain the known required information, the tribes must be re-noticed in accordance with the ICWA. If, after proper notice, the tribes do not respond within a reasonable time or respond that the minors are not Indian children, the court shall reinstate the termination orders. However, if the tribes or the BIA determine the minor is an Indian child or if information is presented to the juvenile court that affirmatively indicates the minor is an Indian child as defined by the ICWA and the court determines the ICWA applies to this case, the juvenile court is ordered to conduct a new section 366.26 hearing in conformation with all provisions of the ICWA.

MORRISON, J.

We concur: Sims, Acting P.J.

Nicholson, J.